

LaMONICA HERBST & MANISCALCO, LLP
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Melanie A. FitzGerald, Esq.

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

Chapter 7

BMT DESIGNERS & PLANNERS, INC.,
fdba BMT D&P, fdba BMT fdba BMT DAS US,

Case No. 22-10123 (MG)

Debtor.
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**SUPPLEMENTAL AFFIDAVIT DISCLOSING INCREASE
IN HOURLY RATES EFFECTIVE APRIL 4, 2022**

STATE OF NEW YORK)
) ss.:
COUNTY OF NASSAU)

MELANIE A. FITZGERALD, ESQ., being duly sworn, deposes and says:

1. I am a partner of the firm of LaMonica Herbst & Maniscalco, LLP ("LH&M"), which maintains its offices at 3305 Jerusalem Avenue, Suite 201, Wantagh, New York 11793. I am duly admitted to practice law before this Court and the courts of the State of New York. I have personal knowledge of the facts set forth herein.

2. By Order dated March 1, 2022 (the "Employment Order") [Dkt. No. 26], the Court approved the employment of LH&M as counsel to Salvatore LaMonica, solely in his capacity as Chapter 7 Trustee of the bankruptcy estate of BMT Designers & Planners, Inc., fdba BMT D&P, fdba BMT, fdba BMT DAS US (the "Trustee").

3. The Employment Order provides, in pertinent part, as follows:

... prior to any increases in LH&M's rates for any individual employed by LH&M and providing services in this case, LH&M shall file a supplemental affidavit ("Supplemental Affidavit") with the Bankruptcy Court and provide ten business days' notice to the Debtor, the United States Trustee and any official committee. The Supplemental

Affidavit shall explain the basis for the requested rate increases in accordance with Bankruptcy Code section 330(a)(3)(F) and state whether the Trustee has consented to the rate increase. The United States Trustee retains all rights to object to any rate increase on all grounds including, but not limited to, the reasonableness standard provided for in Bankruptcy Code § 330.

See, Employment Order at p. 3.

4. In accordance with the Employment Order, I submit this Supplemental Affidavit disclosing the following increases in certain of LH&M's hourly rates effective as of April 4, 2022:

<u>Name</u>	<u>Title</u>	<u>Current Hourly Rate</u>	<u>New Hourly Rate</u>
Adam P. Wofse, Esq.	Partner	\$525.00	\$575.00
David A. Blansky, Esq.	Partner	\$550.00	\$575.00
Melanie A. FitzGerald, Esq.	Partner	\$525.00	\$595.00
Holly R. Holecek, Esq.	Partner	\$475.00	\$525.00
Jacquelyn S. Loftin, Esq.	Partner	\$475.00	\$525.00
Danielle George	Paralegal	\$200.00	\$225.00

5. LH&M has not increased its rates since the first quarter of 2021. After careful consideration, LH&M determined to increase certain of its hourly rates based upon, inter alia, increased operating costs, insurance costs, employee costs and expenses. LH&M submits that such rate increases are reasonable and necessary, especially given the rise in costs and expenses that LH&M has incurred. Moreover, the rate increases are reasonable based on the customary compensation charged by comparably skilled practitioners in cases other than cases under Title 11 of the United States Code.

6. The Trustee was advised of and consented to the rate increases set forth herein.

7. Based on the forgoing, I believe that LH&M's new hourly rates set forth herein are reasonable and customary.

s/Melanie A. FitzGerald
Melanie A. FitzGerald

Sworn to before me this 18th day of March 2022

s/ Denise Bisagni
Denise Bisagni
Notary Public, State of New York
No. 01B16256398
Qualified in Suffolk County
Commission Expires February 27, 2024